

COURTESY COPY

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ISRAEL AGUILAR and ROLANDO TAYUN
CHAN, on behalf of themselves and others similarly
situated,

Plaintiffs,

v.

KIMO MANAGEMENT GROUP CORP. d/b/a
SUYO GASTROFUSION and NILSON DIAZ, in
his individual and professional capacities,

Defendants.

Case No.: 1:21-cv-07537-PGG-BCM

**PLAINTIFFS' NOTICE OF MOTION
FOR CONDITIONAL CERTIFICATION OF A COLLECTIVE ACTION AND
EQUITABLE TOLLING OF THE STATUTE OF LIMITATIONS**

Pursuant to 29 U.S.C. § 216(b), Plaintiffs Israel Aguilar and Rolando Tayun Chan ("Plaintiffs"), by and through their undersigned counsel, Faruqi & Faruqi, LLP, hereby move the Court for an Order conditionally certifying the action as a collective action, equitably tolling the statute of limitations, directing that persons similarly situated to Plaintiffs be given notice of the pendency, and directing production of the names, addresses, email addresses, and phone numbers of potential plaintiffs on an expedited basis.

In support of the instant motion, Plaintiffs submit the attached Memorandum of Law, the Declarations of the Plaintiffs, and all accompanying exhibits thereto, the Declaration of Innessa M. Huot ("Huot Decl."), the proposed Notice of Pendency and Consent to Join form to be distributed via regular mail in English and Spanish (annexed to the Huot Decl. as Ex. 2), the proposed Notice of Pendency to be distributed via email in English and Spanish (annexed to the Huot Decl. as Ex. 3), the proposed Notice of Pendency to be distributed via text message in

English and Spanish (annexed to the Huot Decl. as Ex. 4), the proposed Notice of Pendency to be posted in Defendants' workplace located at 1401 Plaza Drive, Bronx, New York 10452 in English and Spanish (annexed to the Huot Decl. as Ex. 5), and all accompanying exhibits, pleadings, papers, and records on file herein, and Plaintiffs may further rely on all matters of which judicial notice may be taken, any oral argument that may be presented, and other such matters the Court deems just and necessary.

Accordingly, Plaintiffs respectfully request that the Court grant their Motion for Conditional Certification of a Collective Action and Equitable Tolling of the Statute of Limitations.

Dated: November 23, 2021
New York, New York

FARUQI & FARUQI, LLP

By: /s/ Innessa M. Huot
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MEMO ENDORSED

*Attorneys for Plaintiffs and the
Proposed FLSA Collective*

MEMO ENDORSED

The Application is granted.

SO ORDERED:

Paul G. Gardephe
Paul G. Gardephe, U.S.D.J.

Dated: Jan 20, 2022

The Clerk will terminate Skt. No 20.